

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF CHULA VISTA

June 18, 2002

6:00 P.M.

A Regular Meeting of the City Council of the City of Chula Vista was called to order at 6:03 p.m. in the Council Chambers, located in the Public Services Building, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

PRESENT: Councilmembers Davis, Padilla, Rindone, Salas, and Mayor Horton
(Councilmember Padilla arrived at 6:06 p.m.)

ABSENT: Councilmembers: None

ALSO PRESENT: City Manager Rowlands, City Attorney Kaheny, and City Clerk Bigelow

PLEDGE OF ALLEGIANCE TO THE FLAG, MOMENT OF SILENCE

SPECIAL ORDERS OF THE DAY

- PRESENTATION BY MAYOR HORTON OF AN AWARD FOR EXCELLENCE IN OPERATIONAL BUDGETING FOR THE CITY'S FISCAL YEAR 2001-2003 BUDGET, FROM THE CALIFORNIA SOCIETY OF MUNICIPAL FINANCE OFFICERS TO ASSISTANT CITY MANAGER POWELL

Mayor Horton read the dedication on the plaque, and Councilmember Salas presented the plaque to Assistant City Manager Bob Powell and Director of Budget & Analysis Cheryl Fruchter.

- PRESENTATION BY JEFF WOLKING, VICE PRESIDENT OF MARKETING FOR METALLIC POWER, REGARDING THE RECENT ZERO-EMISSION PASSENGER-VEHICLE DEMONSTRATION DRIVE FROM CHULA VISTA TO NORTHERN CALIFORNIA

Environmental Resource Manager Willie Gaters introduced Jeff Wolking, Vice President of Marketing for Metallic Power, who presented the zero-emission vehicle demonstration and electric vehicle technical highlights. McKinley Addy, representing the California Energy Commission, updated the Council on the following three projects that have been implemented as a result of partnerships between the Commission and the City of Chula Vista: 1) sponsoring of incentives for alternative fuel vehicles for use within the City; 2) development and demonstration of the metal air fuel cell; and 3) development and demonstration of a hydrogen fuel cell bus and fueling infrastructure. He stated that the City has the opportunity to become a focal point for use of fuel cell technology in the region, and he encouraged the Council to continue its leadership in environmental and technological advancement.

SPECIAL ORDERS OF THE DAY (Continued)

- INTRODUCTION BY MARY MAY, DIRECTOR FOR THE MISS CHULA VISTA PAGEANT, OF MELODY GONZALES, MISS CHULA VISTA, AND ADRIAN CAMPBELL, FIRST PRINCESS AND MISS CONGENIALITY

Mary May, Director of the Miss Chula Vista pageant, introduced Melody Gonzales, the new Miss Chula Vista, and Adrian Campbell, First Princess and Miss Congeniality. Joe Morro, Director of the Fairest of the Fair and Miss San Diego County programs, presented a proclamation to Mayor Horton in appreciation for her support of the program.

CONSENT CALENDAR (Items 1 through 16)

1. APPROVAL OF MINUTES of May 30, June 4, June 6, and June 10, 2002.

Staff recommendation: Council approve the minutes.

2. RESOLUTION NO. 2002-204, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2001/2002 BUDGET IN ACCORDANCE WITH THE BUDGET TRANSFER POLICY AND APPROVING ADDITIONAL APPROPRIATIONS IN VARIOUS FUNDS

The Council policy on financial reporting and transfer authority requires that all departments complete the fiscal year with a positive balance in each budget summary (Employee Services, Supplies and Services and Capital Outlay). Adoption of the resolution approves certain transfers and appropriations, maintaining compliance with the intent of the Council policy. (Assistant City Manager Powell)

Staff recommendation: Council adopt the resolution.

3. RESOLUTION NO. 2002-205, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE SUMMARY VACATION OF DRAINAGE, GENERAL UTILITY, AND SEWER EASEMENTS WITHIN EASTLAKE III VISTAS PHASE TWO

The City received a request to vacate a drainage easement, a general utility easement, and a sewer easement, all which appear on the EastLake III Vistas Phase Two map. According to the California Streets and Highways Code, the vacation of these easements may be performed summarily through adoption of a resolution ordering said summary vacation. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

CONSENT CALENDAR (Continued)

4. RESOLUTION NO. 2002-206, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DIRECTING REVIEW OF THE CITY OF CHULA VISTA CONFLICT OF INTEREST CODE

Adoption of the resolution directs the City Attorney and the City Clerk to review the City's Conflict of Interest Code on behalf of all staff and designated boards and commissions to determine whether or not amendments are needed, and to submit a notice to the Council prior to October 1, 2002, indicating either that amendments are required or that no amendments are necessary. (City Attorney, City Clerk)

Staff recommendation: Council adopt the resolution.

5. RESOLUTION NO. 2002-207, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE COMPETITIVE BIDDING PROCESS, ACCEPTING INFORMAL BIDS, AND AWARDED CONTRACT FOR THE MAIN STREET MEDIAN STREET LIGHTING, FROM NIRVANA AVENUE TO HERITAGE ROAD (PROJECT LD-107), TO PERRY ELECTRIC, IN THE AMOUNT OF \$47,100

On May 8, 2002, the Traffic Engineering Section received informal bids from five electrical contractors for this project. Perry Electric submitted the low informal bid of \$47,100. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

6. RESOLUTION NO. 2002-208, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDED CONTRACT FOR SIDEWALK IMPROVEMENTS ON THE NORTH SIDE OF "D" STREET, BETWEEN THIRD AVENUE AND LANDIS AVENUE (PROJECT STL-270), TO PORTILLO CONCRETE INC.

On May 8, 2002, the Director of Public Works received sealed bids for this project. Adoption of the resolution awards the contract to Portillo Concrete Inc. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

7. RESOLUTION NO. 2002-209, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING CHANGE ORDER NOS. 2 AND 3 FOR PHASE I OF THE SALT CREEK GRAVITY SEWER INTERCEPTOR (PROJECT SW-219), AND THE MAIN STREET PAVEMENT RECONSTRUCTION, BETWEEN BROADWAY AND INTERSTATE 805 (PROJECT STM-332), AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE SAID CHANGE ORDERS ON BEHALF OF THE CITY

CONSENT CALENDAR (Continued)

Adoption of the resolution approves Change Orders 2 and 3 for Phase I of the Salt Creek gravity sewer interceptor project. Change Order 2, in the amount of \$70,768, is needed to increase the depth of the sewer between Otay Valley Road and Interstate 805. Change Order 3, in the amount of \$76,036, is needed to replace an existing shallow and deteriorated corrugated metal pipe on Main Street that is no longer able to support traffic loads. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

8. RESOLUTION NO. 2002-210, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING ITS INTENTION TO PROVIDE FOR THE LEVY AND COLLECTION OF ASSESSMENTS IN OPEN SPACE DISTRICT NO. 23 (OTAY RIO BUSINESS PARK) FOR FISCAL YEAR 2002/2003, AND TO AMEND THE AREAS TO BE MAINTAINED; APPROVING THE PRELIMINARY ENGINEER'S REPORT; SETTING THE TIME AND PLACE FOR A PUBLIC HEARING, AND ORDERING THE INITIATION OF ASSESSMENT BALLOT PROCEDURES

Open Space District No. 23 was originally established on September 15, 1992 to maintain three open space lots and medians along the east side of the Otay Rio Business Park development. The current property owners wish to add a 2,800-foot median on Main Street, which is currently being maintained by contract, to the improvements being maintained by the district. Adoption of the resolution initiates the proceedings for amending the district to include the additional open space in accordance with the provisions of Article XIID of the California State Constitution. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

9. RESOLUTION NO. 2002-211, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROPRIATING ADDITIONAL FUNDING FROM THE UNALLOCATED BALANCE OF THE TRANSPORTATION DEVELOPMENT IMPACT FEE FUND, FOR COMPLETION OF OLYMPIC PARKWAY STREET IMPROVEMENTS FROM OLEANDER AVENUE TO BRANDYWINE AVENUE (PROJECT STM-344), AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO EXECUTE A CHANGE ORDER FOR LANDSCAPING IMPROVEMENTS ON THE CITY-OWNED PARCEL AT THE NORTHEAST CORNER OF BRANDYWINE AVENUE AND OLYMPIC PARKWAY, FOR AN AMOUNT NOT EXCEEDING \$100,000

In order to complete the subject project, additional funds in the amount of \$350,000 are needed for landscaping and irrigation improvements, completion of right-of-way acquisition, traffic signal modifications at Oleander Avenue and Olympic Parkway, and consultant and staff services. Adoption of the resolution also authorizes the Director of Public Works to execute a change order up to \$100,000 with West Coast General Corporation for landscaping and irrigation improvements. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

CONSENT CALENDAR (Continued)

10. RESOLUTION NO. 2002-212, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING THE CONTRACT FOR CITYWIDE STREET SWEEPING SERVICES TO CANNON PACIFIC SERVICES FOR THE PERIOD OF JULY 1, 2002 TO JUNE 30, 2007, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

On December 11, 2001, the City Council approved a second amendment to the agreement with Cannon Pacific Services to provide Citywide street sweeping services on a month-to-month basis ending June 30, 2002. The City advertised for bids for a new five-year agreement, with two two-year option periods. Two bids were received on November 27, 2001, and Cannon Pacific Services was the lowest responsible bidder. (Director of Public Works)

Staff recommendation: Council adopt the resolutions.

- 11 A. RESOLUTION NO. 2002-213, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE CONSULTANT SELECTION PROCESS AS IMPRACTICAL AND APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH STANTEC CONSULTING, INC., FOR AN ADDITIONAL \$184,480, FOR CONTINUED UPGRADE AND EXPANSION OF THE PUBLIC WORKS OPERATIONS' WORK MANAGEMENT AND INFRASTRUCTURE MANAGEMENT SYSTEM
- B. RESOLUTION NO. 2002-214, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE CONSULTANT SELECTION PROCESS AS IMPRACTICAL AND APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH CCG SYSTEMS, INC., FOR AN ADDITIONAL \$40,800, FOR CONTINUED UPGRADE AND EXPANSION OF THE PUBLIC WORKS OPERATIONS' FLEET MANAGEMENT SYSTEM

The Operations Division of the Public Works Department proposes to implement Phase 3 of the Public Works information systems modernization/expansion capital improvement program project. The growth of the City requires that technology be upgraded and expanded to provide for better management and planning of the City's infrastructure. (Director of Public Works)

Staff recommendation: Council adopt the resolutions.

12. RESOLUTION NO. 2002-215, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF CHULA VISTA AND THE CHULA VISTA ELEMENTARY SCHOOL DISTRICT REGARDING JOINT OPERATION OF THE DASH (DYNAMIC AFTER SCHOOL HOURS) AFTER SCHOOL RECREATIONAL PROGRAM, AND THE STRETCH (SAFE TIME FOR RECREATION, ENRICHMENT AND TUTORING FOR CHILDREN) EXTENDED SCHOOL DAY EDUCATIONAL PROGRAM; AND AUTHORIZING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING

CONSENT CALENDAR (Continued)

The current Memorandum of Understanding between the City and the Chula Vista Elementary School District, in effect until June 30, 2002, authorizes the operation of two after school programs at elementary school sites. The STRETCH Program, with its emphasis on literacy and arts enrichment, is offered at eight district schools; and the DASH Program, a structured sports and recreation program, is offered at 18 district schools. (Deputy City Manager Palmer)

Staff recommendation: Council adopt the resolution.

13. RESOLUTION NO. 2002-216, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE RECREATION DIRECTOR TO EXECUTE PERMITS TO AGENCIES PROVIDING SERVICES AND UTILIZING OFFICE SPACE AT NORMAN PARK SENIOR CENTER

Since the renovation of Norman Park Center in 1993, the City has issued and renewed multi-year permits to several social service agencies, allowing them to utilize office space at the Norman Park Center. These agencies provide valuable community services, many of which target the senior population. The City does not charge rent for this use but does require each agency to reimburse the City for a prorated share of the utility costs. Three-year permit renewals have been prepared and signed by each agency. (Director of Recreation)

Staff recommendation: Council adopt the resolution.

14. RESOLUTION NO. 2002-217, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AFFORDABLE HOUSING AGREEMENT RELATED TO OTAY RANCH VILLAGE SIX, BETWEEN THE CITY AND MCMILLIN OTAY RANCH, LLC, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

On January 22, 2002, the City approved the Otay Ranch Village Six Sectional Planning Area (SPA) Plan. Condition 134 of the SPA conditions of approval requires that the developer enter into an affordable housing agreement with the City prior to recordation of its first final map for purposes of further implementing its affordable housing obligation for the project. (Director of Community Development)

Staff recommendation: Council adopt the resolution.

15. RESOLUTION NO. 2002-218, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND MARION B. BORG, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AMENDMENT

Adoption of the resolution approves the first amendment to this contract for environmental consultant services related to mitigation monitoring and reporting, preparation of environmental documents, and the coordination and oversight of the preparation of environmental documents for eastern Chula Vista master planned community projects. (Director of Planning and Building)

Staff recommendation: Council adopt the resolution.

CONSENT CALENDAR (Continued)

16. RESOLUTION NO. 2002-219, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING SUBMITTAL OF A REGIONAL USED OIL BLOCK GRANT APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

This block grant would provide up to \$132,679 in additional funds for each of the next three fiscal years to allow the City to continue the primary components of the existing used oil public education and recycling programs. (Special Operations Manager)

Staff recommendation: Council adopt the resolution.

ACTION: Mayor Horton moved to approve staff recommendations and offered the Consent Calendar, headings read, texts waived. The motion carried 5-0.

ORAL COMMUNICATIONS

There were none.

PUBLIC HEARINGS

17. CONSIDERATION OF ASSESSMENT OF CERTAIN DELINQUENT SOLID WASTE SERVICE CHARGES AS LIENS UPON THE RESPECTIVE PARCELS OF LAND, AND PLACEMENT OF DELINQUENT CHARGES ON THE NEXT REGULAR TAX BILL FOR COLLECTION

Chula Vista Municipal Code Section 8.24.180 allows delinquent solid waste service charges to be assessed as liens upon the affected properties and ultimately placed on the property tax bills for collection. (Assistant City Manager Powell)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Assistant City Manager Powell stated that only 61 delinquent accounts exist and are valued at less than \$7,000, an indication that the program is working well.

Mayor Horton opened the public hearing. With no members of the public wishing to speak, she then closed the hearing.

ACTION: Councilmember Rindone offered Resolution No. 2002-220, heading read, text waived:

RESOLUTION NO. 2002-220, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ASSESSING DELINQUENT SOLID WASTE SERVICE CHARGES AS LIENS UPON THE RESPECTIVE PARCELS OF LAND AND APPROVING PLACEMENT OF DELINQUENT CHARGES ON THE NEXT REGULAR TAX BILL

The motion carried 5-0.

OTHER BUSINESS

18. CITY MANAGER'S REPORTS

City Manager Rowlands distributed an agenda for the Council's tour of the City with the Port Commission scheduled for Thursday, June 20, 2002. The meeting will commence with lunch at 11:30 a.m. in the Council conference room, followed by the bus tour at noon.

19. MAYOR'S REPORTS

- A. Ratification of appointment to the Veterans Advisory Commission – Bobby Price.

ACTION: Mayor Horton moved to ratify the appointment of Bobby Price to the Veterans Advisory Commission. Councilmember Davis seconded the motion, and it carried 5-0.

20. COUNCIL COMMENTS

Councilmember Rindone invited the Council and the public to attend the "Great Race" classic car race on Friday, June 21, 2002, in downtown Chula Vista.

At 6:46 p.m., Mayor Horton recessed the Council Meeting and convened the Redevelopment Agency Meeting.

At 6:58 p.m., Mayor Horton reconvened the Council Meeting, with all Councilmembers present, for a bus tour, followed by Closed Session.

CLOSED SESSION

21. CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(C)
- One Case

No action was taken on this item.

ADJOURNMENT

At 7:50 p.m., Mayor Horton adjourned the meeting to an Adjourned Regular Meeting on June 25, 2002 at 4:00 p.m. in the Council Conference Room, and thence to the Regular Meeting of July 9, 2002, at 6:00 p.m. in the Council Chambers.

Susan Bigelow, CMC/AAE, City Clerk